

**AN ORDINANCE**

**04- ○ -1253**

**BY COUNCILMEMBER ANNE FAUVER**

**AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA SO AS TO PROVIDE FOR PAYMENT OF FEES BY CERTIFIED FUNDS; TO REQUIRE PAYMENT OF FEES WITH AND AT THE TIME OF FILING OF AN ALCOHOL LICENSE APPLICATION; TO PROVIDE FOR REFUND OF OVERPAID FEES OR FEES PAID FOR LICENSES NOT APPROVED; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known as the Alcohol Technical Advisory Group (ATAG), to undertake the review of the alcohol licensing code; and

**WHEREAS**, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

**WHEREAS**, there have been instances in which an alcoholic beverages license was issued or renewed and the licensed establishment proceeded to open, operate and sell alcoholic beverages despite the fact that the check with which the license was paid for failed to clear; and

**WHEREAS**, ATAG recommends that the City require alcoholic beverage licenses to be paid for by certified or cashier's check in order to assure prompt payment and prompt identification of those who have failed to pay for their alcoholic beverage license; and

**WHEREAS**, alcohol licensees are required to renew their licenses annually by filing an application with the APD Licenses and Permits Unit and awaiting investigation by the APD; and

**WHEREAS**, once the Licenses and Permits Unit and the Mayor approve a licensee's renewal application, it is forwarded to the Business License Office which issues a bill for the license fee and sends it to the applicant for payment; and

**WHEREAS**, applicants of new licenses, whether for a new location or for a change of ownership of existing location, submit their application and await approval before they receive a bill for their license fees; and

**WHEREAS**, after receiving the bill, the licensee must make payment and wait for the Business License Office to prepare and send the license; and

**WHEREAS**, the license fee owed by the licenses does not vary but is a flat fee fixed by ordinance in Section 10-60 of the Code; and

**WHEREAS**, the license process can be shortened by eliminating the requirement that the Business License Office send out a bill for the fees; and

**WHEREAS**, other jurisdictions in Georgia require payment of the license fee with and at the time of submission of the completed renewal application; and

**WHEREAS**, ATAG recommends that payment of the license fee be required at the time of application; and

**WHEREAS**, if a license, whether new or renewal, is not approved, the applicant should be entitled to refund of the license fee paid at the time of application; and

**WHEREAS**, approval of some licenses is delayed, resulting in the licensee owing less money as a license fee because the amount should be prorated; and

**WHEREAS**, ATAG recommends that refund of the overpayment should be made within a certain time period after approval of the license.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**Section 1.**

That Chapter 10, Article II, Division 2, Section 10-46 be amended to delete the current language and to insert in lieu thereof the following language:

No alcoholic beverages shall be manufactured, imported, brokered, sold to wholesalers or other importers or brokers, sold at wholesale or retail in the original package or by the drink nor shall any bottle house or tasting room be operated except under a license granted by the mayor as provided in this division. No licensee shall be authorized to operate a business until the license required in this section has been paid for **by certified check or cashier's check**, and delivered to the licensee by the proper city official. Where there is a pending application for a new licensee or a change of ownership on a prior existing licensed premises, the authority of the prior licensee to operate the business shall be extended for a maximum period of 30 days beyond the termination date of the prior license.

**Section 2:**

That Chapter 10, Article II, Division 2, Section 10-61 be amended to delete the current language and to insert in lieu thereof the following language:

Section 10-61. Date for payment of license fees; prorated fees.

All annual license fees under this division shall be paid in advance **by certified check or cashier's check with submission of the renewal application** on or before January 1 of each year. Any person granted a new license under this division during a calendar year shall pay the full license fee without proration **by certified check or cashier's check with submission of the application for new license**, except that the fee for a new license granted after June 30 in any calendar year shall be 50 percent of the annual license fees for the remainder of that calendar year.

Section 3.

That Chapter 10, Article II, Division 2, Section 10-67 which currently states as follows:

**Sec. 10-67. Time limit for obtaining license after approval of application.**

- (a) All licenses required under this division must be obtained and fees paid not later than 30 days from the date of the approval of the application by the mayor, and if not so obtained, the license granted by the mayor shall be void.
- (b) When a license has been approved and the applicant has deposited with the chief financial officer the required fee, the license shall be issued.

**Be amended to delete the current language and to insert in lieu thereof the following language:**

**Sec. 10-67. Time limit for obtaining license after approval of application.**

Once a license application has been approved by the Mayor, the license shall be issued within 30 days.

Section 4.

That Chapter 10, Article II, Division 2, Section 10-60(b) be amended and a new section 10-60(e) be added, as follows:

- (b) If the licensee is denied a license by the state, upon the proof of that refusal, the licensee shall be entitled to a refund of the license fee paid to the city, less a charge of \$25.00 to cover clerical cost of granting the license. **The licensee is also entitled to a refund if the license fee pre-paid with the submission of application, without interest.** The refund may be made by the chief financial officer without the necessity of any action by the council.

**(e) If for any reason, the issuance of a license is delayed so as to entitle the applicant to pay a prorated portion of the license fee for the year when the applicant has already pre-paid with submission of the application the full year's license fee; the City shall refund any overpayment of license fees to the licensee within 30 days after the license is issued.**

**Section 5.**

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, applied for after the enactment of this Ordinance.

**Section 6.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.